

§ 355-37. Adaptive Reuse and Redevelopment Overlay District.

- A. The Adaptive Reuse and Redevelopment Overlay District shall be a special overlay to the underlying Village (C-1) Zoning District, Shopping Center (C-2) Zoning District, Highway Commercial (C-3) Zoning District, Limited Industrial (I-1) Zoning District and the Heavy Industrial (I-2) Zoning District. The objectives of this special overlay district are outlined as follows:
- (1) To permit the planned reuse, division and/or redevelopment of existing buildings, structures and land areas within the C-1, C-2, C-3, I-1 and I-2 Zoning Districts, subject to specific design criteria and procedural requirements.
 - (2) To retain and expand existing businesses in order to preserve a sound tax base and provide employment opportunities.
 - (3) To provide incentives to occupy vacant commercial and industrial land uses.
 - (4) To pursue economic development targets that will build upon the existing commercial and industrial base.
 - (5) To maintain a positive relationship with the local business community.
 - (6) To implement the recommendations concerning land use planning and economic development, as outlined within the Muhlenberg Township Comprehensive Plan.
- B. The provisions for adaptive reuse and redevelopment, as specified under this section of the chapter, shall apply to all permitted uses and land areas within the C-1, C-2, C-3, I-1 and I-2 Zoning Districts.
- C. Land uses permitted within the Adaptive Reuse and Redevelopment Overlay District, subject to the criteria established in this section of the chapter:
- (1) The land uses permitted by right, conditional use and/or special exception in the underlying C-1 Zoning District shall be permitted by conditional use as part of the Adaptive Reuse and Redevelopment Overlay District, provided that the uses are located within the C-1 Zoning District. As part of the conditional use application, the Board of Commissioners may consider a combination of nonresidential uses within the existing buildings on the property, provided that such combination of nonresidential uses are generally compatible with the existing land use characteristics of other properties within 500 feet of the property being considered for adaptive reuse.
 - (2) The land uses permitted by right, conditional use and/or special exception in the underlying C-2 and C-3 Zoning Districts shall be permitted by conditional use as part of the Adaptive Reuse and Redevelopment Overlay District, provided that the uses are located within the C-2 or C-3 Zoning District. As part of the conditional use application, the Board of Commissioners may consider a combination of nonresidential uses on the property or within the

existing buildings on the property, provided that such combination of nonresidential uses is generally compatible with the existing land use characteristics of other properties within 500 feet of the property being considered for adaptive reuse.

- (3) The land uses permitted by right, conditional use and/or special exception in the underlying I-1 and I-2 Zoning Districts shall be permitted by conditional use as part of the Adaptive Reuse and Redevelopment Overlay District, provided that the uses are located within the I-1 or I-2 Zoning District. As part of the conditional use application, the Board of Commissioners may consider a combination of nonresidential uses on the property or within the existing buildings on the property, provided that such combination of nonresidential uses is generally compatible with the existing land use characteristics of other properties within 500 feet of the property being considered for adaptive reuse.
- D. The minimum or maximum area, yard, height and coverage requirements shall not apply to any proposed use, provided that it is located within an existing building or structure, which is located within the C-1, C-2, C-3, I-1 and I-2 Zoning Districts.
- E. All proposed facility expansion projects, external structural development projects and/or land development projects must comply with the following criteria:
- (1) For nonresidential properties that are located adjacent to commercial or industrial zoning districts, the minimum or maximum area, yard and height requirements of the underlying C-1, C-2, C-3, I-1 and I-2 Zoning Districts may not apply to the proposed use or uses involving adaptive reuse and redevelopment. All such modifications to the dimensional requirements of the C-1, C-2, C-3, I-1 and I-2 Zoning Districts shall be subject to the approval of the Muhlenberg Township Board of Commissioners as part of a conditional use application.
 - (2) For nonresidential properties that are adjoining to a residential zoning district or municipal boundaries, the minimum or maximum area, yard and height requirements shall be subject to the requirements of the underlying C-1, C-2, C-3, I-1 or I-2 Zoning District. For the purpose of this § 355-37, the term "adjoining" shall be considered as the state of land or water areas next to each other and not physically separated by a road classified as a collector, arterial or expressway, or by an active railroad line.
 - (3) Unless otherwise permitted as part of a conditional use application, all proposed expansion projects must comply with the maximum building and lot coverage requirements of the underlying C-1, C-2, C-3, I-1 or I-2 Zoning District. As part of the conditional use application, the Board of Commissioners may consider an increase in the maximum building and lot coverage requirements, provided that the applicant demonstrates the following: that there will be no adverse effects to adjacent property owners; that the stormwater management and erosion control facilities are sufficient to accommodate any increase in impervious surfaces; and that additional landscaping features are integrated into the overall design.

- (4) The design and dimensional provisions pertaining to landscaping, buffer yards, exterior lighting, internal access drives, off-street parking, off-street loading, and stormwater management, as further specified under this Chapter 355 of the Muhlenberg Township Code, may be modified as part of a conditional use application submitted to Muhlenberg Township. As part of the conditional use application, the applicant must demonstrate the following: that there will be no adverse effects to adjacent property owners; that the standard design and dimensional provisions cannot be applied based upon the existing site conditions; and that the proposal is consistent with the goals and objectives for adaptive reuse and redevelopment. The Board of Commissioners may attach reasonable conditions and safeguards.
 - (5) A complete land development plan shall be required to satisfy all pertinent provisions specified under Chapter 310, Subdivision and Land Development, of the Code.
- F. The provisions for adaptive reuse and redevelopment may be applied to the total land area owned by the applicant or to a part of the total land area owned by the applicant. Subdivision and land development activity may be permitted, provided that such applications comply with the applicable provisions established by Muhlenberg Township. Alternative methods for subdivision and land development may be permitted as part of a conditional use application, which shall be subject to the review and approval of the Muhlenberg Township Board of Commissioners. All such conditional use applications shall only be considered if they are consistent with the goals and objectives for adaptive reuse and redevelopment.
 - G. All projects considering adaptive reuse which involve the division of the internal building or structural space of an existing building shall be subject to all pertinent requirements for subdivision and land development, as specified under Chapter 310, Subdivision and Land Development, of the Muhlenberg Township Code. The perimeter of all divided areas or subcomponents of the principal building shall be described by bearings and distances. All such applications may be permitted as part of a conditional use application, which shall be subject to the review and approval of the Muhlenberg Township Board of Commissioners. All such conditional use applications shall only be considered if they are consistent with the goals and objectives for adaptive reuse and redevelopment.
 - H. The divided or subcomponents of an existing principal building may be either owned by fee-simple deed or leased as an industrial condominium. All deeds or lease agreements shall contain a description of the occupied land area, by bearing and distances, the existing and proposed facility improvements, a maintenance agreement, a list of restrictive covenants, and all other relevant documentation required by the Muhlenberg Township Solicitor and Engineer. The deed or lease agreement shall be subject to the approval of the Muhlenberg Township Board of Commissioners and shall be recorded with the Berks County Recorder of Deeds.
 - I. As part of the subdivision and land development plan, the applicant shall prepare and submit an environmental impact assessment (EIA) report to Muhlenberg

Township. The EIA report shall contain text, tables, floor plans, maps and analyses, which document the probable environmental impact resulting from the previous use to the new use, and the mitigation proposed to offset any environmental impacts or hazards.

- J. As part of the subdivision and land development plan, the applicant shall prepare and submit a traffic impact study to Muhlenberg Township. The traffic impact study shall contain text, tables, maps, analyses and recommendations, which document the probable traffic impacts resulting from the previous use to the new use. This requirement may be waived if the applicant provides supporting documentation to indicate that the proposed use will not create additional traffic problems on all streets within 3,000 feet of the existing building or as directed by the Muhlenberg Township Engineer.
- K. Unless otherwise directed by Muhlenberg Township, all individual uses considering adaptive reuse shall be subject to the off-street parking and loading requirements specified under §§ 355-112 through 355-117 of this chapter.
- L. All individual uses considering adaptive reuse shall be required to have separate sanitary sewer connections, water supply connections, and all other utilities servicing the property. All utility connections shall be installed in accordance with all specifications adopted by Muhlenberg Township and the public utility company providing service to the use.
- M. All uses shall be planned and designed to minimize and reduce light, noise and air emissions onto adjacent properties. Where feasible, buffer yards and landscaping enhancements should be established around the perimeter of the property.
- N. All uses shall comply with the minimum building code requirements, as specified by Muhlenberg Township and by the Pennsylvania Department of Labor and Industry. Prior to the issuance of a use and occupancy permit for the proposed use, the applicant shall provide evidence to Muhlenberg Township that all plans and permits have been approved by all pertinent local, state and federal agencies.